

**§ 113A-12. Environmental document not required in certain cases.**

Notwithstanding any other provision in this Article, no environmental document shall be required in connection with:

- (1) The construction, maintenance, or removal of an electric power line, water line, sewage line, stormwater drainage line, telephone line, telegraph line, cable television line, data transmission line, natural gas line, or similar infrastructure project within or across the right-of-way of any street or highway.
- (2) An action approved under:
  - a. A general permit issued under G.S. 113A-118.1, 143-215.1(b)(3), or 143-215.108(c)(8).
  - b. A Coastal Habitat Protection Plan under G.S. 143B-279.8.
  - c. A special order pursuant to G.S. 143-215.2 or G.S. 143-215.110.
  - d. An action taken to address an emergency under G.S. 143-215.3 or other similar emergency conditions.
  - e. A remedial or similar action to address contamination under Chapter 130A or 143 of the General Statutes, including a brownfield agreement entered into under G.S. 130A-310.32.
  - f. A certificate of convenience and necessity under G.S. 62-110.
  - g. An industrial or pollution control project approval by the Secretary of Commerce under Chapter 159C of the General Statutes.
  - h. A project approved as a water infrastructure project under Chapter 159G of the General Statutes.
  - i. A certification issued by the Division of Water Resources of the Department of Environmental Quality under the authority granted to the Environmental Management Commission by G.S. 143B-282(a)(1)u.
- (3) A lease or easement granted by a State agency for:
  - a. The use of an existing building or facility.
  - b. Placement of a wastewater line or other structures or uses on or under submerged lands pursuant to a permit granted under G.S. 143-215.1.
  - c. A shellfish cultivation lease granted under G.S. 113-202.
  - d. A facility for the use or benefit of The University of North Carolina System, the North Carolina community college system, the North Carolina public school systems, or one or more constituent institutions of any of those systems.
  - e. A health care facility financed pursuant to Chapter 131A of the General Statutes or receiving a certificate of need under Article 9 of Chapter 131E of the General Statutes.
- (4) The construction of a driveway connection to a public roadway.
- (5) Any State action in connection with a project for which public lands are used and/or public monies are expended if the land or expenditure is provided as an incentive for the project pursuant to an agreement that makes the incentives contingent on prior completion of the project or activity, or completion on a specified timetable, and a specified level of job creation or new capital investment.
- (6) A major development as defined in G.S. 113A-118 that receives a permit issued under Article 7 of Chapter 113A of the General Statutes.
- (7) The issuance of an executive order under G.S. 166A-19.30(a)(5) waiving the requirement for an environmental document.

- (8) The redevelopment or reoccupation of an existing building or facility, so long as any additions to the existing building or facility do not increase the total footprint to more than one hundred fifty percent (150%) of the footprint of the existing building or facility and so long as any new construction does not increase the total footprint to more than one hundred fifty percent (150%) of the footprint of the existing building or facility.
- (9) Facilities created in the course of facilitating closure activities under Part 2I of Article 9 of Chapter 130A of the General Statutes.
- (10) Any project or facility specifically required or authorized by an act of the General Assembly.
- (11) Any project undertaken as mitigation for the impacts of an approved project or to mitigate or avoid harm from natural environmental change, including wetlands and buffer mitigation projects and banks, coastal protections and mitigation projects, and noise mitigation projects. (1991 (Reg. Sess., 1992), c. 945, ss. 5, 7(a); c. 1030, s. 51.15; 2010-186, s. 1; 2010-188, s. 1; 2011-398, s. 59(a); 2014-90, s. 4; 2014-100, s. 14.7(j); 2015-90, s. 5; 2015-241, s. 14.30(c).)